

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Michael Nesbitt,

Plaintiff,

v.

Sirius XM Radio Inc.; and DOES 1-10,  
inclusive,

Defendant.

Civil Action No.: 1:14-cv-01208-RPP

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 9/26/14

STIPULATION OF DISMISSAL

WHEREAS, the parties to the above-entitled action have resolved the issues alleged in the complaint in this action, and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows that, pursuant to FRCP 41(a)(1)(A)(ii), the above-captioned action is hereby dismissed against Sirius XM Radio Inc. <sup>and all unidentified defendants.</sup> with prejudice and without costs to any party. *REF 1 \**

Michael Nesbitt

Sirius XM Radio Inc.

/s/ Sergei Lemberg

/s/ Lee A. Armstrong

Sergei Lemberg, Esq. (SL 6331)  
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SO ORDERED

9/22/14

\* INSERT READS: "and all UNIDENTIFIED DEFENDANTS"

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2014, a true and correct copy of the foregoing Stipulation of Dismissal was served electronically by the U.S. District Court for the Southern District of New York Electronic Document Filing System (ECF) and that the document is available on the ECF system.

By /s/ Sergei Lemberg  
Sergei Lemberg